

May 19, 2004

STAN SCARVIE
204 SOUTH 206TH STREET
DES MOINES WA 98198

Subject: Complaint Filed Against David Clemmons – PDC Case No. 04-292

Dear Mr. Scarvie:

The Public Disclosure Commission staff has completed its investigation of your complaint received October 27, 2003 alleging that David Clemmons violated the public disclosure law.

The PDC staff reviewed your allegation in light of the following statutes:

RCW 42.17.080 states that at the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides... a report containing the information required by RCW 42.17.090:

- (a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held.

RCW 42.17.090 states in part that each report required under RCW 42.17.080 (1) and (2) shall disclose the following:

- (a) The funds on hand at the beginning of the period;
- (b) The name and address of each person who has made one or more contributions during the period,
- (f) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, and the amount, date, and purpose of each such expenditure.

You alleged that David Clemmons failed to timely file a Candidate Registration, PDC form C-1, and failed to timely file reports of contributions and expenditures for his 2003 Des Moines City Council campaign.

We found that:

- David Clemmons was a candidate for Des Moines City Council in the 2003 primary election.
- Mr. Clemmons failed to file a Candidate Registration, PDC form C-1. A brief enforcement hearing was held on September 10, 2003, PDC Case #04-057. Mr. Clemmons was found in violation of RCW 42.17.050 for failing to timely file PDC form C-1 within two weeks of becoming a candidate and was assessed a \$150 penalty.
- Mr. Clemmons made an expenditure of \$653 for signs promoting his candidacy.
- We did not find evidence of other expenditures made by Mr. Clemmons for his campaign.

Mr. Clemmons lost in the primary election and it appears that he likely qualified for the mini reporting option and was not required to file detailed reports of contributions and expenditures. Without evidence of additional expenditures, PDC staff will not pursue the allegations in your complaint further.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Vice Chair of the Public Disclosure Commission, acting on behalf of the Chair, I am dismissing your complaint against David Clemmons.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

c: David Clemmons